REMARKS/ARGUMENTS

Claims 1-11 remain pending in the application. Applicant has made no amendments.

The Examiner has rejected claims 1-3, 5, 7 and 9-11 under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,703,963 to Higginson. The Examiner has rejected claims 4 and 6 under 35 USC 103(a) as being unpatentable over Higginson in view of U.S. Patent 5,408,060 to Muurinen.

In rejecting claim 1, the Examiner has stated that all the elements of independent claim 1 are taught by the Higginson reference. Applicant submits that Higginson teaches a programmable keyboard that uses displays adjacent keys on a keyboard to indicate the value of the key. By allowing multiple values to be associated with each key, and by displaying a particular value adjacent the key, Higginson is able to reduce the size of the keyboard by reducing the key count. Higginson makes reference to functional modes and domain level values, which should be carefully considered to determine the applicability of the Higginson reference to the claims of the present application.

A set of domain level values group together a set of key assignments associated with a particular functional mode. Thus, if the functional mode is an alphabetic keyboard, the domain level values would provide access to letters A-L for a first domain level value, while the second domain level value would be the letters M-Z. Thus, the domain level values serve as sub-groupings of key assignments for the keys associated with each functional mode.

Functional modes correspond to different types of input. Higginson makes reference in column 4 beginning at line 6 to the functional modes being selected from a list including such options as “an English alphanumeric keyboard, a non-English alphanumeric keyboard, telephone, calculator, card reader, text editing, internet navigation, an application-specific mode associated with the user of a particular software application and a mode associated with the control of an electronic device.” The user selection of a functional mode changes the set of key assignments that can be selected using the domain levels. Applicant notes that Higginson makes reference, in the above-cited passage, to functional modes associated with particular software applications, but does not teach that the application specific mode is selected by execution of the application.

Higginson makes numerous references to the *user* selecting a functional mode by actuation of a key (see for example column 4 line 42 which states “The functional-mode screen 12 indicates which functional modes are activated upon *actuating* the functional-mode control 10…” (emphasis added) and column 4 line 57 which states “Actuating functionality scrolling control 26a, the list of keyboard functionalities scrolls such that alternative functionalities are displayed on the functional-mode screens 12 and can be selected by *actuating* the appropriate functional-mode control 10. For example, with functionalities 1-4 displayed in the functional-mode screens 12 of FIG. 1, actuating the functionality scrolling control 26a will then display functionalities 5-8. With functionalities 5-8 displayed, pressing the functionality scrolling control 26b allows functionalities 1-4 to be *available for selection by the user*." (emphasis added)). Thus, it is taught that the user selects a functional mode by actuating the functional mode control 10 corresponding to the desired functional mode. This is the sole disclosed method of selecting a functional mode control. Although having an application specific functional mode is disclosed, having an input mode selector responsive to execution of the application is not disclosed.

Applicant submits that application specific functional modes are provided in the teaching of Higginson to provide shortcuts or single key access to menu options for commonly executed applications. On conventional computing platforms, including desktop and laptop computers (the market that Higginson makes specific reference to in column 2 in the paragraph beginning on line 46), numerous applications, such as Adobe Photoshop^{TM}, have made use of application specific keypads to provide users single key access to commonly used commands. Applicant respectfully submits that the reference to an application specific functional mode is directed to this sort of functionality, as Higginson makes no reference to the functional mode being selected as a result of the execution of an application.

Accordingly, Applicant submits that Higginson does not teach "an input mode selector for determining an active input mode of the keyboard in response to execution of one of the at least two applications", and as a result, does not teach the matter claimed in claim 1. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 USC 102(e) be withdrawn.

Applicant submits that claims 2, 3, 5, 7 and 9-11 all depend on claim 1, either directly or indirectly, and as such are no broader in scope than claim 1. Accordingly, Applicant re-iterates the argument presented above with respect to claim 1, and applies it to each of claims 2, 3, 5, 7 and 9-11, and respectfully requests that the rejection of these claims under 35 USC 102(e) be withdrawn.

Applicant submits that claims 4 and 6 depend on claim 1, either directly or indirectly. Accordingly, Applicant submits that neither claim 4 nor claim 6 can be broader in scope than claim 1. Accordingly, Applicant re-iterates the argument presented above with respect to the application of the Higginson reference to claim 1, and applies it to claims 4 and 6. As applicant has previously argued that the Muurinen reference does not teach the matter of presently pending claim 1, and claims 4 and 6 contain all the limitations of claim 1, Applicant submits that neither the Higginson reference, nor the Muurinen reference can teach the matter of claims 4 and 6, alone or in combination, as neither reference teaches "an input mode selector for determining an active input mode of the keyboard in response to execution of one of the at least two applications". Accordingly, Applicant respectfully requests that the rejection of claims 4 and 6 under 35 USC 103(a) be withdrawn.

Applicant notes that although this is a final action, the claims have not been amended. As such, no further search is required, and Applicant respectfully requests that the application now proceed to allowance.

We believe no fee is required. However, if a fee is due, the Commissioner is hereby authorized to charge any additional fees, and credit any overpayments to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Applicant submits that the application is now in condition for allowance, and favorable action to that end is respectfully requested.

Respectfully submitted,
Mihal LAZARIDIS, et al.

By: /Dilip C. Andrade/
Dilip C. Andrade
Reg. No. 53,942

Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9, CANADA
Tel: (613) 787-3575
Fax: (613) 787-3558
E-mail: dandrade@blgcanada.com
DCA/plg